

SENATE BILL REPORT

SB 6275

As of January 27, 1998

Title: An act relating to slayers.

Brief Description: Prohibiting slayers from receiving benefits because of the victim's death.

Sponsors: Senators Bauer, Benton, Oke and Schow.

Brief History:

Committee Activity: Law & Justice: 1/29/98.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: David Johnson (786-7754)

Background: Slayer statutes exist to prevent one who kills another from gaining financially from the act. Washington's slayer statute specifically forbids a slayer from acquiring or receiving any property or benefit from the death of the victim. However, this law does not allow taking property away from the slayer which was acquired prior to the killing.

When a slayer and victim are related by marriage or business venture, they often own property jointly. This property is distributed on death to the living partner and the deceased's estate, as it would have been if the death had been accidental.

The Court of Appeals has held that a slayer does not lose his or her right to community property because of the murderous act. In some situations, this has meant that the slayer receives his or her share of the state retirement benefits of the victim as well as other property.

Summary of Bill: A slayer is prevented from acquiring interests in community or jointly owned property as a result of the death of his or her victim. The slayer's property rights to community or joint property owned with the victim are taken away and given to the victim's estate. The Department of Retirement Systems, after notice that a slayer situation exists, determines to whom payment should be made.

The provision stating that the slayer statutes are not to be considered penal is removed. Language is made gender neutral. Any provisions which violate federal law are severable from the remaining provisions.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.